

**Town of Underhill
Development Review Board Minutes
October 29, 2018**

Board Members Present:

Charles Van Winkle, Chair
Matt Chapek
Mark Green
Daniel Lee
Karen McKnight
Penny Miller
Stacey Turkos

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

Jane Martin (12 Maple Leaf Road)
Julia Martin (10 Maple Leaf Road)
John Hunt (10 Maple Leaf Road)

6:30 PM – 10/29/2018 DRB Public Meeting

- DRB Members convened at Town Hall around 6:25 PM.
- [6:30] Chair Van Winkle open the meeting and asked for public comment. Since no public was in attendance, no public comment was offered. The Board discussed the possibility of the I.D. District School closing. Board Member Miller informed that the I.D. District School was more valuable to the community than if the Underhill Central School were to close.

**6:35 PM – ReTribe Transformations Appeal Request
8 Maple Leaf Road (ML008), Underhill, Vermont**

Docket #: DRB-18-15

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- [6:35] Chair Van Winkle began the meeting by explaining the hearing procedures for the subject appeal hearing. The appellants, Julia Martin, Jane Martin and John Hunt, were before the Board to discuss the appeal pertaining to issuance of a violation for the use of a building without a certificate of occupancy permit on property located 8 Maple Leaf Road in Underhill, Vermont, which is owned by Northern Shire L3C. No members of the public were in attendance. No ex parte communications between the Board and the appellants were expressed. No conflicts of interest were identified as well.
 - [6:40] Staff Member Strniste began the hearing by informing the Board why the zoning violation was issued – the appellants were utilizing the old Men's Dormitory as boarding house-like situation, where some transformational participants would stay for long periods of time (exceeding a month), or some patrons may be living in the old Men's Dormitory in exchange for labor towards fixing the campus's facilities. Staff Member Strniste informed the Board, that in his opinion, the appellants had exceeded the scope of their DRB approval as it related to that building; that they were only approved to board participants related to the four or five week-long transformational programs or boarding school students.
 - [6:52] Ms. Julia Martin advised that a few people were living in the old Men's Dormitory as staff, and that they were living there as they were getting the campus up and going (i.e. painting buildings). She continued to state that the decision did not advise about staff, and that housing the staff on campus was necessary to commence with their project. Ms. Julia Martin then contended that the description of the transformational program and their associated staff in the decision was not clearly stated. Board Member Chapek advised that his notes from the previous hearing said that the appellants were planning on having 1 or 2 staff members on site. Board Member Miller advised that the reason why the Certificate of Occupancy permit is important is to ensure that life/safety issues are addressed. Chair Van

Winkle inquired about the Hostel.

- [6:58] Board Member Green inquired about the implications if the Board were to uphold the zoning violation, and whether there would be any associated fines. Chair Van Winkle advised that if they were to agree with Staff Member Strniste, then the applicants would need to cease and desist, or work towards a cure, which they have already done by starting the conditional use process. Board Member Miller inquired about the ability to utilize the building while they are curing the error. Chair Van Winkle advised that the Board has latitude to address the issue.
- [7:02] Board Member Miller made a motion to enter into closed deliberative session to discuss the appeal request. The motion was seconded by Board Member Turkos, and approved unanimously.
- [7:21] Board Member Turkos made a motion to exit closed deliberative session, which was seconded by Board Member Miller. The motion was approved unanimously.
- [7:22] Board Member Miller made a motion to uphold the zoning violation, which was seconded by Board Member Turkos. The appellants were advised that they could continue to operate the facility while they were in the process of curing the error. Chair Van Winkle advised that the decision was vague, and the ambiguity would be resolved as part of their conditional use review hearing. No fines would be assessed. No further discussion was had. The Board voted unanimously approve the motion. Board Member Turkos made a motion to move into closed deliberative session to craft the decision. The motion was seconded by Board Member Miller and approved unanimously.

**7:26 PM – ReTribe Transformations Conditional Use Review Hearing Docket #: DRB-18-16
8 Maple Leaf Road (ML008), Underhill, Vermont**

- [6:26] Chair Van Winkle advised that he would forgo the formalities typically associated with the beginning of a hearing. He then informed the applicants that there is no process to amend a conditional use review decision. He then asked the applicants what they were looking to do.
- [7:27] Ms. Julia Martin advised that they wanted their transformational programs to include adults and be for longer durations of time. In essence, they were looking for more flexibility as it pertains to their transformational programs. Mr. John Hunt advised that by previously requesting only 5 weeks of transformational programing, there was no opportunity to expand. Chair Van Winkle inquired about the school. Ms. Julia Martin advised that they could not afford to do nothing, which is why they already commenced with the transformational program. She then advised that they were intending on the staying within the limits of the existing septic system; however, that they were looking for the flexibility of ensure that if the school does not occur, then they would be able to conduct their transformational programs.
- [7:31] Staff Member Strniste informed the Board that the lack of a definitive plan, and the incorporation of flexibility, causes administrative headaches. Chair Van Winkle advised that the Board was trying to fit their program into the regulations; however, they were trying to alleviate any administrative headaches. He then advised that the Board had concerns about people living at the facility on a long term basis, as there may be an appearance of multi-family housing. Chair Van Winkle then opined that he would like to conduct a site visit to better visualize what is happening on the campus and understand what transformational programing is. Board Member Miller asked a clarification question about the transformational program as they relate to the different buildings. Staff Member Strniste informed the Board that ideally, the project would be able to fit into one use.

- [7:40] Board Member Green inquired about how long “long term” was – would participants enroll and staff indefinitely. Ms. Julia Martin and Mr. John Hunt advised that participants could stay indefinitely; however, they did envision that they would leave at some point. The living situation is not a typical one. Board Member Miller clarified that the transformational programs appeared to be similar to a retreat. Ms. Julia Martin advised that the vision would be that as the participant was more involved, they could eventually become staff. Board Member Miller advised that there was some hesitation about long term living at the campus due to a lot of issues with the Maple Leaf Farm. Ms. Julia Martin advised that Maple Leaf Farm had a lot of staff as well, and that they (ReTribe Transformations) were not looking for a huge amount of people. Board Member McKnight inquired if ReTribe Transformation envision participants living at the campus for a year, at which point it felt like a boarding house. Both Ms. Julia Martin and John Hunt advised that the participants would need to be involved to be living there for a long duration of time.
- [7:48] Board Member Miller inquired if animals would be allowed to stay in the dormitory as well. Ms. Julia Martin advised that they were not interested in having too many animals living on campus, and that they’d like to meet the animals. The Board agreed that they would like to conduct a site visit. A site visit was scheduled for Saturday, November 10 at 8:30 AM. The Board discussed continuing the hearing to Monday, December 3, 2018 at 6:35 PM.
- [7:55] Board Member Chapek inquired if the applicants wish to expand the number of one week programs. Ms. Julia Martin advised that they would like to have the possibility of having a program every week for longer durations of time.
- [7:57] Ms. Julia Martin and Mr. John Hunt discussed their vision of having an early child care center on the campus, which would be located in the barn, rather than in-home.
- [8:00] A discussion ensued about the modular and the applicants’ wishes to possibly classify it as office space rather than a health center. Further discussion was had pertaining to the specificity of which use should be associated with which building. Board Member Chapek inquired about the office use, and whether the office use would be used as part of their business, or to allow other businesses to rent the space. Ms. Julia advised that they would potentially use the space as office use, but want the flexibility to anyone use the space. Chair Van Winkle advised that the Board was on-board with their application; however, they need to visit the site to get a better idea of what they are trying to do. The hearing was continued to Monday, December 3, 2018 at 6:35 PM, with a site visit to commence on Saturday, November 10, 2018 at 8:30 AM. A discussion ensued about the pending certificates of occupancy.

8:18 PM – Other Business

- [8:18] The Board reviewed the outstanding minutes.
- [8:21] Board Member Miller made a motion to approve the minutes of July 16, 2018. The motion was seconded by Board Member Turkos and approved unanimously.
- [8:22] Board Member Miller made a motion to approve the minutes of August 6, 2018. The motion was seconded by Board Member Turkos and approved unanimously. The Board briefly discussed whether two kitchens results in two dwelling units.
- [8:23] Board Member Miller made a motion to approve the minutes of September 27, 2018. The motion was seconded by Board Member Turkos and approved unanimously.
- [8:24] Board Member Miller inquired about the McLaughlin appeal from January. Staff Member Strniste advised that he did not hear from them yet.
- [8:25] Board Member McKnight made a motion to enter into closed executive session to

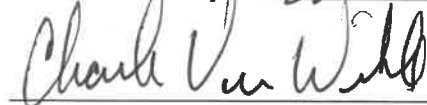
discuss pending or probable civil litigation to which the public body is or may be a party and to review confidential attorney-client communications made for the purpose of providing professional legal services. The motion was seconded by Board Member Miller and approved unanimously.

- [9:11] The Board adjourned.

Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 10/29/2018 meeting of the DRB were accepted
this 3 day of December, 2018.



Charles Van Winkle, Development Review Board Chair